

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56701 of 2017

Arising Out of PS.Case No. -192 Year- 2016 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

=====

FAISAL ALI @ FAISAL ALAM @ FAIZAL ALAM, S/o Sheikh
Sanaullan@Sanaullah@Gona, R/o village- Sabeya (Jogia), P.S. Ram Nagar,
Distt-West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-11-2017 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner is languishing in custody since 19.08.2016 in connection with Sessions Trial No. 306 of 2017 arising out of Ram Nagar P.S. Case No. 192 of 2016 for offences alleged under Sections 147,148,149,341,323,307,504,506 of the Indian Penal Code and Section 27 of Arms Act and subsequently Section 302 of the IPC was added.

The petitioner has moved the bail application along with other co-accused twice before in Cr. Misc. No. 45337 of 2016 and Cr. Misc. No. 23298 of 2017 but the same were rejected vide order dated 26.11.2016 and 05.07.2017 by this Court.

The prosecution case, as lodged by the informant, is that



three persons Sadre Alam@ Munna, Masum Reja and Motiullah@ Gupte tried to outrage the modesty of his neighbour, one Johri Begum. On objection, petitioner along with others, assaulted the informant by means of lathi, Danda and rod and when some persons along with came to rescue the informant then 12 persons also started assaulting the informant one S.K. Anwarul who sustained serious injuries and succumbed.

It has been submitted by the learned counsel for the petitioner that there is general and omnibus allegation against the petitioner and that he was not present there when three other accused persons were trying to outrage the modesty of Johri Begum and on similar allegation other co-accused persons have been granted privilege of anticipatory bail in by a coordinate Bench of this Court in Cr. Misc. No. 14210 of 2017 and 9274 of 2017 vide order dated 11.05.2017 and 24.03.2017. He was not the main assailant but similar allegation has been leveled against 12 other accused persons including the petitioner. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses and that he does not bear any criminal history.

However, learned APP for the State opposes the prayer for bail.



Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd A.C.J.M. Bagaha at West Champaran, in connection with S.Tr. No. 306 of 2017, arising out of Ram Nagar P.S. Case No. 192 of 2016, subject to the following conditions-

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner

2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

khushbu/-

U		T	
---	--	---	--

